

**IN THE COURT OF COMMON PLEAS
MEDINA COUNTY, OHIO**

IN THE MATTER OF THE :
ADDITION OF RULE 23 :
(MEDIATION) TO THE LOCAL :
RULES OF COURT : **JOURNAL ENTRY**

It is hereby ordered that the Rules of Practice of the Court of Common Pleas of Medina County, Ohio (“Local Rules”) be modified such that Rule 23 is hereby added and shall read as follows:

RULE 23

XXIII. MEDIATION.

23.01 Upon order of the Court, a civil action filed in this Court may be submitted to mediation as provided in this rule.

23.02 Any civil case may be referred to mediation.

23.03 The case is referred to mediation by order of the Court. The Court may issue the order on its own motion, upon the motion of counsel, or upon agreement of the parties.

23.04 Continuances shall be granted only for good cause shown. Except as authorized by the Court, the existence of pending motions shall not be good cause for a continuance and no continuance will be granted unless the mediation can be rescheduled prior to the scheduled trial date.

23.05 All scheduling orders shall remain in effect. Discovery shall continue during the mediation process in accordance with the Civil Rules of Procedure.

23.06 **CONFIDENTIALITY**

- (A) Pursuant and subject to Ohio Revised Code 2317.023, the Rules of Evidence, and any other pertinent judicial rule, all written or verbal communications related to the mediation or made during the mediation process shall be confidential.
- (B) The mediator shall inform the Court who attended the mediation and whether the case settled, then the mediator shall inform the Court whether the case is scheduled for further mediation or is returned to the Court for further proceedings. No other information shall be communicated by the mediator to the Court.
- (C) This provision does not affect the admissibility of a written summary of agreement signed by the parties and/or counsel.

23.07 The mediator acting pursuant to this local rule shall have all immunity conferred by statute, rule and common law.

23.08 The efforts of the mediator shall not be construed as giving legal advice.

23.09 DUTIES OF ATTORNEYS/PARTIES

shall

(A) Trial counsel who is primarily responsible for each party's case personally attend the mediation conference and shall be prepared and authorized to discuss all relevant issues, including settlement. **All parties**, and if applicable, insurance adjusters, all with authority to settle without further consultation, shall personally attend all mediation conferences. A party other than a natural person must be represented by a person other than counsel, with authority to agree to a settlement.

and

- (B) All necessary discovery, including documents, medical records, bills should be exchanged by the parties five (5) days prior to the conference.
- (C) Upon reaching agreement the parties shall reduce the essential terms to writing in summary form and sign it along with their counsel.

23.10 Failure to mediate may result in sanctions being imposed by the Court. Such sanctions may include attorney's fees and other sanctions the Court deems appropriate.

23.11 If the parties fail to dismiss a settled case within 60 days of the filing of the status report that gave the Court notice of the settlement, then the Court may dismiss the case administratively.

SO ORDERED.

JUDGE JAMES L. KIMBLER

JUDGE CHRISTOPHER J. COLLIER